



28

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,951	09/27/2001	Michael J. Payne	042390.P12155	2547

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EXAMINER

SKED, MATTHEW J

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,951

Applicant(s)

PAYNE ET AL.

Examiner

Matthew J Sked

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/15/02, 3/2/04, 10/25/04</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The disclosure is objected to because of the following informalities: There is no summary.

Appropriate correction is required.

3. The disclosure is objected to because the term "voice recognition" is misused for what nowadays is called --**speech recognition**-- in the speech signal processing art. While "voice recognition" and "speech recognition" were both once used interchangeably to refer to spoken word recognition, nowadays these two terms are distinguished. The term "**voice** recognition" now denotes identification of **who** is doing the speaking (class 704/246), while "**speech** recognition" (or "**word** recognition") denotes identification of **what** is being said (class 704/251). So, appropriate correction to the proper terms of art is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2655

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4, 5, 15, 17 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (U.S. Pat. 6,601,027).

As per claims 1, 15 and 22, Wright teaches a method, system and machine readable medium comprising:

associating each of a quantity of numbers of a speech-enabled numbered list with an entry of a quantity of entries (numbered list is separate from the dialog box so there must be an association process to determine which numbers from the number list correspond to which entries in the dialog box, Fig. 13B, elements 1325 and 1327);

receiving, through a voice input, a selection of a number of the quantity of numbers (user selects the correct input by saying "Choose 4", col. 18, lines 25-27); and

obtaining data for the entry of the quantity of entries that is associated with the number (replaces the incorrect word with the selected word, col. 18, lines 27-30).

6. As per claims 2 and 23, Wright teaches each of the quantity of numbers of the speech-enabled numbered list is fixed to a position next to each of the quantity of numbers independent of the entry located at the position next to each of the quantity of numbers (numbered list only has ten entries while the dialog box can have more and it can be seen that as the dialog box is scrolled through the numbered list would remain fixed, Fig. 13E, elements 1332 and 1333).

7. As per claims 4 and 24, Wright teaches the quantity of entries is greater than the quantity of numbers (only permits ten candidates to be displayed while the list may contain more, col. 18, lines 47-50).

8. As per claims 5, 17 and 25, Wright teaches receiving an input that modifies positions of the quantity of entries (dialog box has a scroll bar, Fig. 13E, element 1333).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 6-16, 18-21, and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright.

As per claims 3 and 16, Wright teaches receiving a new user utterance if there was an error in recognition (error correction with verbal commands, col. 17, lines 46-53).

Wright does not specifically teach or suggest doing this for selecting a number of quantity numbers if the voice input could not be determined (recognized).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wright to use this error correction when the voice input during the selecting of numbers of the initial error correction cannot be determined

Art Unit: 2655

because it would ensure more accurate recognition results to better determine the user's intentions.

11. As per claims 6, 18 and 26, Wright teaches a method, system and machine-readable medium comprising:

associating each of a quantity of numbers of a speech-enabled numbered list with a position in a viewable list (numbered list is separate from the dialog box so there must be an association process to determine which numbers from the number list correspond to which position in the dialog box, Fig. 13B, elements 1325 and 1327);

associating each of the quantity of numbers of the speech-enabled numbered list with an entry of a quantity of entries that is located in the position in the viewable list (numbered list is separate from the dialog box so there must be an association process to determine which numbers from the number list correspond to which entries in the dialog box, Fig. 13B, elements 1325 and 1327);

receiving an input, wherein the input can be one of a number of input types (user can say or type a command, col. 18, lines 22-24); and

obtaining data for the entry of the quantity of entries that is associated with the input (replaces the incorrect word with the selected word, col. 18, lines 27-30).

Wright does not teach that each of the number of input types is associated with a number of different levels of confidence.

However, the Examiner takes Official Notice that it is well known that an input from a keyboard or mouse is much more dependable than an input from a speech

Art Unit: 2655

recognizer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wright so that each of the number of input types is associated with a number of different levels of confidence because the system would not have to check for errors for an input with a high level of confidence thus speeding up processing.

12. As per claims 7, 19 and 27, Wright does not teach verifying the input upon determining that the input type of the input is associated with a moderate level of confidence.

However, the Examiner takes Official Notice that it is well known that an input with a moderate level of confidence is more prone to errors. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wright to verify the input upon determining that the input type of the input is associated with a moderate level of confidence because this would give better recognition results.

13. As per claims 8, 20 and 28, Wright teaches generating a list of matching items from a vocabulary list (during error correction a list is built from backup dictionaries, col. 17, lines 54-56 and Fig. 13B, element 1325).

14. As per claim 9, Wright does not teach that the input type associated with the moderate level of confidence includes a voice input that is independent of the speech-enabled numbered list.

However, the Examiner takes Official Notice that it is well known that speech recognition using a smaller concentrated vocabulary has a lower probability of error than using a larger generic vocabulary. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wright such that the input type associated with the moderate level of confidence includes a voice input that is independent of the speech-enabled numbered list because the input would not be recognized so easily using the concentrated vocabulary associated with the numbered list, hence there is a larger probability of error.

15. As per claims 10, 21 and 29, Wright teaches associating each of the quantity of entries with a voice keyword (each entry is associated with the keyword "choose x" where "x" is the associated number from the number list, col. 18, lines 25-27).

16. As per claims 11 and 30, Wright teaches each of the quantity of numbers of the speech-enabled numbered list is fixed to a position next to each of the quantity of numbers independent of the entry located at the position next to each of the quantity of numbers (numbered list only has ten entries while the dialog box can have more and it can be seen that as the dialog box is scrolled through the numbered list would remain fixed, Fig. 13E, elements 1332 and 1333).

17. As per claim 12, Wright teaches receiving an input that modifies positions of the quantity of entries (dialog box has a scroll bar, Fig. 13E, element 1333).

18. As per claim 13, Wright teaches the quantity of entries is greater than the quantity of numbers (only permits ten candidates to be displayed while the list may contain more, col. 18, lines 47-50).

19. As per claim 14, Wright teaches receiving an additional input if the voice input could not be determined (receiving a new user utterance if there was an error in recognition; error correction with verbal commands, col. 17, lines 46-53).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baker (U.S. Pat. 6,122,613) teaches an interface that has numbered lists corresponding with a quantity of entries where the user can speak the number in order to obtain data corresponding to the chosen entry.

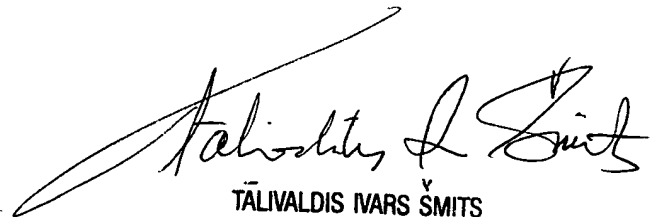
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Sked whose telephone number is (703) 305-8663. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

Art Unit: 2655

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703) 306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER